

Filed for intro on 02/22/95
Senate Bill _____
By _____

House No. HB1770
By Bittle, Jr.

AN ACT to amend Tennessee Code Annotated, Section 39-17-315, relative to the offense of stalking.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-315, is amended by deleting the section in its entirety and substituting instead the following:

(a)(1) A person commits the offense of stalking who repeatedly follows or harasses another person so as to cause that person to be in reasonable fear of being assaulted, suffering bodily harm or death.

(2) As used in this subsection:

(A) "Follows" means maintaining a visual or physical proximity over a period of time to a specific person in such a manner as would cause a reasonable person to have a fear of a sexual offense, bodily injury or death;

(B) "Harasses" means a course of conduct directed at a specific person which would cause a reasonable person to fear a sexual offense,

bodily injury, or death, including, but not limited to, verbal threats, written threats, vandalism, or unconsented-to physical contact; and

(C) "Repeatedly" means on two (2) or more separate occasions.

(b)

(1) Stalking is a Class A misdemeanor.

(2) A second or subsequent violation of subsection (a) occurring within seven (7) years of the prior conviction is a Class E felony. A second or subsequent violation of subsection (a) involving the same victim and occurring within seven (7) years of the prior conviction is a Class C felony.

(3) Any person who violates subsection (a) after having been enjoined or restrained by order, diversion, or probation agreement of a court of competent jurisdiction in effect prohibiting the behavior described in subsection (a) against the same party commits a Class E felony.

(c) The provisions of this section shall not be construed to prohibit following another person during the course of a lawful business activity.

SECTION 2. This act shall take effect July 1, 1995, the public welfare requiring it.

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